

REMARKS

Claims 1-4 are pending in the application. Claims 1 and 2 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

Applicants have amended the specification to address the informality noted by the Examiner.

I. CLAIM OBJECTIONS

The Examiner objects to claims 1-4 based on the informalities identified on page 2 of the Office Action.

Regarding claim 1, applicants have amended the claim to provide antecedent basis for “a direction of insertion”. In addition, applicants have amended the claim to recite more expressly the function of the fixing means and to eliminate reference to a “means” of a curable composition.

As for claim 2, applicants have amended the claim to provide proper antecedent basis for a smallest outer diameter of the covering. Further, applicants have amended the claim to provide antecedent basis and recite with more clarity that “a smallest outer diameter of the covering is smaller in diameter than the portion of the anchoring zone that widens in cross-section”. The Figure illustrates how the smallest outer diameter of the covering 7 is smaller in diameter than the portion 6 of the anchoring zone 5 that widens in cross-section.

Applicants respectfully submit that the above changes to the claims address the objections raised by the Examiner. Applicants respectfully request withdrawal of the objections.

II. REJECTION OF CLAIMS 1-4 UNDER 35 USC §102(b)

Claims 1-4 stand rejected under 35 USC §102(b) based on *Froehlich et al.* Applicants respectfully traverse this rejection for at least the following reasons.

Applicants' invention is directed to a fixing device for producing an anchoring in an undercut drilled hole. As is described in the background section of the application, a problem with previous fixing elements is that they offer little flexibility with respect to the undercut drilled hole. Particularly during mounting and as a result of thermally induced changes in length in the installed state, considerable transverse forces and bending moments can arise unless this is counteracted by elaborate measures, for example in the region of the supporting structure.

The fixing device of the present invention addresses such problem by means of a curable composition in combination with an anchor bolt surrounded in the region of the anchoring zone with a covering of resilient plastics material. This provides a fixing element in an undercut drilled hole that exhibits resilience in all directions. (See, e.g., Spec., p. 1, ln. 21 to p. 2, ln. 5, and Figure).

Claim 1 has been amended to emphasize further such features of the invention. For example, claim 1 recites the feature whereby the covering of resilient plastics material provides increased flexibility of movement of the anchor bolt within the undercut portion in response to transverse forces.

In *Froehlich et al.*, an anchor rod is described in relation to a conventional drilled hole. *Froehlich et al.* does not teach or suggest an anchor for anchoring in an undercut drill hole as in the case of the present invention. Further, *Froehlich et al.* does not teach or suggest an anchor bolt including an anchoring zone having a portion that widens in cross-section in a direction of insertion and in correspondence with an undercut portion of the undercut drilled hole, as recited in amended claim 1.

Regarding the polysiloxin at Column 3, line 11 of *Froehlich et al.*, applicants respectfully submit that such material does not constitute a resilient plastics material

providing increased flexibility of movement of the anchor bolt within the undercut portion in response to transverse forces as recited in amended claim 1. The polysiloxin in *Froehlich et al.* is a *parting agent counter-acting adhesion* between the mortar compound and surface of the anchor rod. The polysiloxin in *Froehlich et al.* does not in any way provide flexibility of movement of the anchor rod within an undercut portion as in the claimed invention. The polysiloxin, as well as the other materials referred to in *Froehlich et al.*, is merely a separation agent.

In summary, *Froehlich et al.* does not teach or suggest a fixing as recited in the claim 1. *Froehlich et al.* does not teach or suggest the above-discussed problems associated with existing devices. Moreover, *Froehlich et al.* does not teach or suggest the above-discussed advantages presented by a fixing device in accordance with the present invention.

For at least these reasons, applicants respectfully request withdrawal of the rejection of claim 1 along with claims 2-4 which depend therefrom.

III. CONCLUSION

Accordingly, all claims 1-4 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Application No.: 10/560,456

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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